

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: START MAN FURNITURE, LLC
(f/k/a ART VAN FURNITURE, LLC), *et al.*,

Debtors.

TODD STEWART and JENNIFER SAWLE, on behalf
of themselves and all others similarly situated,

Appellants and Cross-Appellees,

v.

ALFRED T. GIULIANO, Chapter 7 Trustee for Debtors
START MAN FURNITURE, LLC, *et al.*,

Cross-Appellant and Appellee.

) Chapter 7
) Case No. 20-10553 (CTG)
) (Jointly Administered)

) Adv. No. 20-50548 (CTG)

) Civ. No. 22-450 (GBW)
) Civ. No. 22-489 (GBW)

ORDER

At Wilmington this 13th day of December 2022, for the reasons set forth in the
accompanying Opinion issued on this date, IT IS HEREBY ORDERED that:

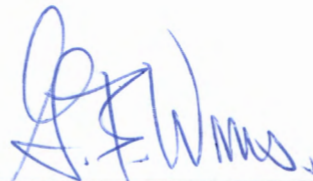
1. The Bankruptcy Court's March 21, 2022 Order granting summary judgment in
favor of the Trustee (Adv. D.I. 64) (the "Order") is hereby AFFIRMED with respect to its
determination that the "liquidating fiduciary" exception to the WARN Act is not satisfied by the
facts of this case.

2. The Order is REVERSED with respect to its determination that the "natural
disaster" exception to the WARN Act is satisfied by the facts of this case.

3. The Order is REVERSED with respect to its determination that the "unforeseen
business circumstances" exception to the WARN Act is satisfied by the facts of the case where
Plaintiffs were not allowed to complete discovery on issues material to that determination,
including but not limited to the cause of the layoff. The case is REMANDED to allow for

discovery on the merits of the “unforeseeable business circumstance” defense and for further proceedings not inconsistent with this Opinion and Order.

4. The Clerk of the Court is directed to CLOSE Civ. No. 22-450 (GBW) and Civ. No. 22-489 (GBW).

A handwritten signature in blue ink, appearing to read 'G. B. Williams', is written above a horizontal line.

The Honorable Gregory B. Williams
United States District Judge